

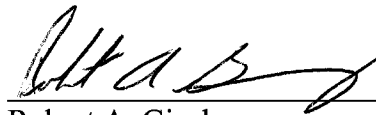
MEMORANDUM

Agenda Item No. 10(A)(4)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 16, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Resolution accepting Special
Warranty Deed from Kendall
Lakes West Land Trust for
a future senior center

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez and Senator Javier D. Souto.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(4)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(4)

3-16-04

RESOLUTION NO. _____

RESOLUTION ACCEPTING SPECIAL WARRANTY DEED
FROM KENDALL LAKES WEST LAND TRUST TO 0.67
ACRES OF LAND FOR A FUTURE SENIOR CENTER AND
CONVEYING THE LAND TO LITTLE HAVANA ACTIVITIES
& NUTRITION CENTERS OF DADE COUNTY, INC.

WHEREAS, the Zoning Board passed and adopted Resolution No. Z-13-03; and

WHEREAS, the owner of the property, which was the subject of the Zoning Application,
was required upon the approval of the application to offer a 0.67 acre site to the County for use
as a Senior Center to be open to the public; and

WHEREAS, the owner, Kendall Lakes West Land Trust, has delivered a special
warranty deed for the 0.67 acre site to the County attached hereto as Exhibit A; and

WHEREAS, the Little Havana Activities & Nutrition Centers of Dade County, Inc., a
Florida non-profit corporation, has agreed to construct a building on the property and operate it
as a senior activities and nutrition center open to the general public,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

Section 1. The Board hereby accepts the Special Warranty Deed attached hereto as
Exhibit A, and directs the County Manager to record the Special Warranty Deed in the Public
Records of Miami-Dade County.

Section 2. The Board, under Section 125.38 Fla. Stats., hereby authorizes the County
Manager to convey the land to Little Havana Activities & Nutrition Centers of Dade County,

Inc., a Florida non-profit corporation, and authorizes the Mayor to execute the County Deed in substantially the form attached hereto as Exhibit B.

The foregoing resolution was sponsored by Commissioner Joe A. Martinez and Senator Javier D. Souto and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:


Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Thomas Goldstein

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 8th day of January, 2004 between PETER M. HODKIN, as Trustee Under Agreement Dated April 18, 2001 known as The Kendall Lakes West Land Trust at One East Broward Blvd., Suite 1501, Fort Lauderdale, Florida 33301 "GRANTOR", and MIAMI-DADE COUNTY, A Political Subdivision of the State of Florida, whose post office address is _____, as "GRANTEE".

(Wherever used herein, the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

W I T N E S S E T H :

That the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid to GRANTOR by said GRANTEE, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the GRANTEE the following described real property, and rights and interest in real property located and situated in the County of Broward and State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

This conveyance is subject to the following:

1. Real estate taxes for the year 2004 and subsequent years.

EXHIBIT A

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2. Covenants, conditions, restrictions, easements and other matters of record without hereby reimposing same.

TOGETHER with all the tenements, hereditments and appurtenances thereto belonging or in any way appertaining.

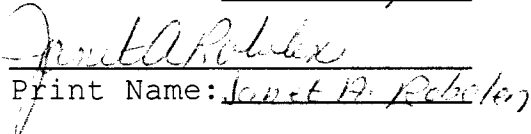
TO HAVE AND TO HOLD the same in fee simple forever.

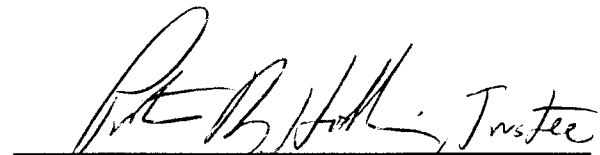
The benefits and obligations hereunder shall inure to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto. The GRANTOR does hereby fully warrant the title to all the premises hereby conveyed, and will defend the same against the lawful claims of GRANTOR, his heirs and each and every person or persons whomsoever lawfully claims the same by, through and under GRANTOR herein but none other.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed by its corporate officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print Name: Madalyn Rosen

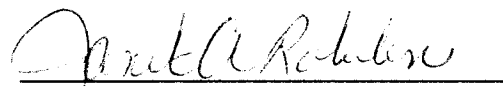

Print Name: Janet A. Robelen


Peter M. Hodkin, As Trustee
Under Agreement Dated April 18,
2001 Known as the Kendall Lakes
West Land Trust

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 8th day of January, 2004 by Peter M. Hodkin, As Trustee. He is personally known to me or produced a Florida driver's license as identification.


Notary Public
State of Florida at Large
Print Name: _____

My Commission Expires:

JANET A. ROBELEN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD243010
EXPIRES 08/27/2007
BONDED THRU 1-888-NOTARY1

DESCRIPTION:

A PORTION OF TRACT 2, KENDALE LAKES WEST, SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 98, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SW 80th STREET (KENDALL DRIVE, STATE ROAD 60) AND HAMMOCKS BOULEVARD AS SHOWN ON BENSON LAKES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 147 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N02°18'07"W, ALONG THE CENTERLINE OF SAID HAMMOCKS BOULEVARD (SW 150th AVENUE), 50.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 300 FEET, A CENTRAL ANGLE OF 35°35'40", AN ARC LENGTH OF 304.32 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID CENTERLINE, N02°18'07"W, 160.97 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 180.97 FEET, A CENTRAL ANGLE OF 42°12'31", FOR AN ARC LENGTH OF 42.97 FEET TO A POINT HAVING A RADIAL BEARING OF S 87°41'53" W; THENCE N 02°18'07" W, A DISTANCE OF 160.97 FEET TO A POINT; THENCE S 08°00'00" W, A DISTANCE OF 125.00 FEET TO A POINT; THENCE S 87°41'53" W, A DISTANCE OF 187.72 FEET TO THE POINT OF BEGINNING.

THENCE N 02°18'07" W, A DISTANCE OF 27.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 42°12'31", AN ARC LENGTH OF 21.00 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID CENTERLINE, N02°18'07"W, 160.97 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING FOR ITS ELEMENTS A RADIUS OF 180.97 FEET, A CENTRAL ANGLE OF 42°12'31", FOR AN ARC LENGTH OF 42.97 FEET TO A POINT HAVING A RADIAL BEARING OF S 87°41'53" W; THENCE N 02°18'07" W, A DISTANCE OF 160.97 FEET TO A POINT; THENCE S 08°00'00" W, A DISTANCE OF 125.00 FEET TO A POINT; THENCE S 87°41'53" W, A DISTANCE OF 187.72 FEET TO THE POINT OF BEGINNING.

COUNTY DEED

STATE OF FLORIDA

)

)

COUNTY OF MIAMI-DADE

)

THIS DEED, made this ____ day of _____, A.D. 2004, between Miami-Dade County, a political subdivision of the State of Florida, whose address is 111 N.W. First Street, Miami, Florida 33128-1993, party of the first part, and Little Havana Activities & Nutrition Centers of Dade County, Inc., a Florida non-profit corporation, under the laws of the State of Florida, whose address is 700 S.W. 8th Street, Miami, Florida 33130, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, for the specific and sole purpose of constructing a building and operating it as a senior activities and nutrition center open to the general public, the land described on Exhibit "A" attached hereto. Said land lying and being in Miami-Dade County, Florida.

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

It is the express intention of the party of the first part, Miami-Dade County, that Little Havana Activities & Nutrition Center of Dade County, Inc., a Florida non-profit corporation, shall not transfer, devise or sell this land to any person, corporation, partnership or any other legal entity of whatsoever nature without prior written approval and concurrence of Miami-Dade County.

It is expressly provided that this land shall only be used for the construction of a building(s) to be used and operated as a senior activities and nutrition center open to the general public, in Miami-Dade County, Florida.

It is expressly provided that in the event this property is transferred without the written consent and approval of Miami-Dade County and the building constructed thereon is not used and operated as a senior activities and nutrition center open to the general public in Miami-Dade County, Florida, then title to the above-described land, together with all improvements on said property, shall automatically revert back to the party of the first part, Miami-Dade County, Florida, its successor and assigns, and Miami-Dade County shall be entitled and have the right to immediate possession thereof.

This deed conveys only the interest of Miami-Dade County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Official Seal

ATTEST:

RICHARD P. BRINKER, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk
Circuit Court

By: _____
Its Mayor

This instrument was prepared by:
Thomas Goldstein
Assistant Miami-Dade County Attorney
111 N.W. First Street, Suite 2810
Miami, Florida 33128-1993

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY, that on this _____ day of _____, A.D. 2004, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Alex Penelas and _____ to be well known to be the Mayor and Clerk or Deputy Clerk of Miami-Dade County, Florida, who executed the foregoing instrument, and acknowledged to and before me that they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal in the County and State aforesaid, the day and year last aforesaid.

Notary Public,
State of Florida at Large.

My Commission Expires:

The foregoing was accepted and approved on the _____ day of _____, A.D. 20____, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida..

DESCRIPTION:

A PORTION OF TRACT 2, KENDALE LAKES WEST, SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 98, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE N 02°18'07"W, A DISTANCE OF 27.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 45° 01' 27", AN ARC LENGTH OF 21.43 FEET TO THE POINT OF TANGENCY; THENCE N02°18'07"W, 10.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 45° 01' 27", AN ARC LENGTH OF 42.07 FEET TO A POINT HAVING A RADIAL BEARING OF S 87°41'55" W, THENCE N 87°41'55" E, A DISTANCE OF 180.97 FEET TO A POINT; THENCE S 87°41'55" W, A DISTANCE OF 187.72 FEET TO THE POINT OF BEGINNING.

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